

REMARKS/ARGUMENTS

This paper is being submitted in response to the Office Action mailed on October 20, 2005. At that time, claims 1-28 were pending in the application. In the Office Action, the Examiner allowed claims 21-27. However, claims 1-7, 9-15, 17-20, and 28 were rejected 35 U.S.C. § 102(e). Likewise, claims 8 and 16 were rejected under 35 U.S.C. § 103(a).

In view of the present paper, Applicants respectfully request reconsideration and allowance of the pending claims.

I. Rejection of Claims 1-7, 9-15, 17-20, and 28 Under § 102(e)

The Examiner rejected claims 1-7, 9-15, 17-20, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,899,999 issued to Dominissini *et al.* (hereinafter “Dominissini”). With respect to claims 9, 17, and 28, these claim have been canceled. However, with respect to the remaining claims, this rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited prior art reference in that the cited reference, Dominissini, does not disclose all of the elements in these claims. Specifically, independent claims 1 and 12 require a “tab having a head and a narrow neck, the *tab being attached to the chamber*.” (Emphasis added). Applicants can find no disclosure in Dominissini which shows a tab having a head and a narrow neck and is attached to the chamber. To the extent that Dominissini’s tabs 32 may be interpreted as having a head and a narrow neck, there is no disclosure that these tabs 32 are attached to an inflatable chamber of the inflatable cushion. On the contrary, Dominissini clearly teaches that the tabs 32

are connected to the body 30 of the tether retainer 14 and not the inflatable chamber. *See e.g.*, Dominissini, Figures 2-3.

Furthermore, as a result of this paper, claims 1 and 12 also recite that “the tab has an opening that permits attachment of the chamber to a vehicle.” Applicants do not believe that Dominissini teaches this feature. Contrary to the Examiner’s assertions, Dominissini’s aperture 48 does not satisfy this language because this aperture is not found in tab 32. Rather, as illustrated in Figures 2 and 3, Dominissini’s aperture 48 is positioned in the body 30 of the tether retainer and not the tab 32.

Because claim elements are not found in Dominissini, this reference cannot be used to anticipate claims 1 and 12, as amended under 35 U.S.C. § 102. Withdrawal of this rejection is respectfully requested.

Claims 2-7, and 10-11 depend either directly or indirectly from claim 1. Claims 13-15 and 18-20 depend either directly or indirectly from independent claim 12. Accordingly, Applicants respectfully request that the rejection of claims 2-7, 10-11, 13-15, and 18-20 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1 and 12.

II. Rejection of Claims 8 and 16 Under 35 U.S.C. § 103(a)

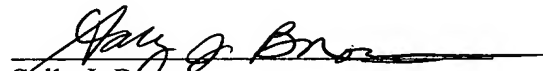
Claims 8 and 16 were rejected under 35 U.S.C. § 103(a) based on Dominissini. This rejection is respectfully traversed. Specifically, claims 8 and 16 depend from amended claims 1 and 12 respectively. As noted above, claims 1 and 12 are patentably distinct from Dominissini. Accordingly, Applicants respectfully request that the rejection of claims 8 and 16 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1 and 12, as amended.

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III. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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